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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/650,649

Applicant(s)

PARRY ET AL.

Examiner

Peter Poltorak

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 22-25, 29, 30 and 49-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 11, 22-25, 29, 30, 49 and 50 is/are rejected.
- 7) ☒ Claim(s) 3, 9, 10, 12-14 and 54-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment received on 10/17/07 has been received and entered.

#### ***Response to Amendment***

2. The amendment introduces new limitations to claims 1-14, 22-25 and 49-57, and incorporates the limitations of claim 30 into the independent claim 29. The newly introduced limitations required new search and/or consideration.
3. In light of applicant's amendments and remarks the claim objections and the 35 USC § 112 rejections are withdrawn.
4. *Applicant's arguments with respect to Garney in view of Usui rejection have been considered but are moot in view of the new ground(s) of rejection of newly amended claims 1-14, 22-25 and 49-57.*
5. *In regard to Garney in view of Guy, applicant essentially argues the combination of these two references (e.g. pg. 11) and explicitly brings the attention to the fact that Garney's removable computer cards are not the same as "a printing device consumable".*

The examiner carefully considered applicant arguments but did not find them persuasive. An ordinary artisan would appreciate that printers, such as disclosed by Guy, are computer systems (see Guy, Fig. 2, for example). An ordinary artisan would also readily recognize the fact that computer systems devices such as cards (disclosed by Garney) are "consumed" during the operation of the computer system (e.g. it is uncommon to replace a device, such as disclosed by Garney, that is worn out during while serving as the computer system component). The examiner also

points out that both inventions (Guy's and Garney's) are directed towards a device retrieving an identification key from a consumable component placed within a device, wherein the identification key enables the device to enable the device to utilize the component. Thus, the advantages of the systems of Guy and Garney could have been easily combinable with more than reasonable expectations of success.

6. Furthermore, the arguments pertaining to the rejection of the invention over Guy's and Garney's references are not persuasive because a close examination of the art of record indicates that the invention as claimed is obvious due to the following reasons:

Guy discloses a printing device consumable communicating with a printing device interface (e.g. Fig. 1), a printing device controller programmed to receive an identification key installed in said printing device (Fig. 1 and col. 2 lines 45-48), a locking mechanism for selectively rendering said printing device inoperable only if said identification key identifies a compatible printing device consumable (Guy, col. 3 lines 4-6). Although Guy does not explicitly disclose that the consumable device comprises memory, Garney discloses a consumable device comprising memory (Garney Fig. 3 and col. 6 lines 57-59). Both, invention (Guy's and Garney's) are directed towards a device retrieving an identification key from a consumable component placed within a device, wherein the identification key enables the device to enable the device to utilize the component. Thus, the advantages of the systems of Guy and Garney could have been easily combinable with more than a reasonable

expectations of success. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include memory disclosed by Garney in the consumable device disclosed by Guy given the benefit of enabling the consumable device to store additional information (e.g. CIS identity code).

7. *Applicant arguments towards the newly amended claim 4 (and dependent claim 9) are addressed in this Office Action, below.*
8. *As per claims 22 and 29, applicant appears to once again argue the combination of Garney's and Guy's invention.*

This argument has been addressed above.

9. Applicant arguments directed towards claims 3 and 9 are found persuasive and the previous rejections are withdrawn.

10. Claims 1-14, 22-25, 29-30 and 49-57 have been examined.

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

12. Claim 30 is objected to because it fails to further limit claim 29 since all limitations of claim 30 are added into original claim 29, on which claim 30 depends.
13. The term: "pervious" in claim 57 should be "previous".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-2, 4-5, 9-10 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Haines (USPN 6738903).

Haines (USPN 6738903) discloses a printing device consumable (toner cartridge 32), a memory coupled to said printing device consumable (36) storing an identification key (authorization code 52) for identifying said printing device consumable with respect to said printing device (e.g. col. 2 lines 58-62, Fig. 3 and associated text). Haines discloses that the printing device consumable is unusable until the identification key is verified (e.g. col. 2 lines 62-63, col. 5 lines 38-53).

Since in the referred citations Haines clearly discloses that in case the identification key is not verified (authentication code invalid) the "normal" operation of the printing device is not enabled, this unambiguously suggests the presence of "a locking mechanism" that when disengaged renders the printing device consumable and/or printing device usable. Haines discloses the wireless interface used in communication between the consumable and the printing device (e.g., col. 4 lines 5-10, 24-25 and 40-43).

***Claim Rejections - 35 USC § 103***

15. Claims 1-2, 4-8, 11 and 22-25 and 49-50 are newly rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (USPN 5807005) in view of Nagata (USPUB 2002/0077979).

As per claims 1 and 22 in col. 1 line 60- col. 2 line 10, Wright discloses as follows:

" The present invention further includes a cartridge lockout method that includes the steps of receiving a machine class code stored in a memory of the printer engine and receiving a cartridge class code from the cartridge and comparing the machine and cartridge codes to determine whether the print cartridge can be used for printing. If a print job is pending in the printer and the cartridge class code has not been identified or the machine class code does not match the cartridge class code, a lockout indicator is activated to prevent printing with the cartridge. If the machine class code and the cartridge class code match, a print job is permitted to print if the lockout indicator is inactive. The foregoing process is repeated for the next print job by first determining whether the cartridge class code has been identified."

This reads on storing an identification key in a printing device consumable, receiving the identification key in a printing device and accepting said printing device consumable for use in said printing device only if said identification key identifies a compatible printing device consumable. It also reads on a locking mechanism that, when locked, disables either the printing device consumable or the printing device.

16. The accepting the printing device consumable in Wright's invention comprises locking the locking mechanism rather than unlocking a locked locking mechanism. However, Wright's invention aims to use a locking mechanism to prevent printing when a non compatible printing device consumable is detected and there are inherently two choices: to keep the locking mechanism unlock and locking it when a compatible printing device consumable is detected or to keep the locking

mechanism unlock and locking it upon detection of a non compatible printing device consumable. A person with ordinary skill has good reason to pursue any of these options within his or her technical grasp given the fact that either of this implementation would have been an obvious variation of each other and would not affect the invention's functionality.

17. Wright does not explicitly disclose memory affixed to the printing device consumable.

Nagata discloses memory affixed to the printing device consumable (Nagata, [0256]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include memory affixed to the printing device consumable as disclosed by Nagata given the benefit of providing additional information (e.g. recycle data, [0971]).

18. As per claims 2, 5-8 and 11, Wright discloses checking the identification key against a list of authorized keys for the printing device stored in the printing device memory (e.g. Wright, col. 1 line 60- col. 2 line 10 and col. 3 line 45- col. 4 line 67).

19. As per claims 23-25, electronic components inherently comprise interfaces in order to communicate data (e.g. to read data from a component) and both wired and wireless interfaces are old and well known in the art computing, either of which would have been an obvious variation of each other. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a wired interface given the benefit of cost saving and wireless given the benefit of communication flexibility.



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20. The limitations of claim 4 are at least implicit, if not inherent. Printers are frequently powered down when moved and/or maintained which would trigger reengaging the locking mechanism and re-verifying the identification key, see (Wright, col. 5 lines 19-26).

21. Additionally, as per claim 49-50, the examiner consider the terms "disengaging" and "unlocking" to be synonyms directed to removal of the locking mechanism and points out that in there are inherently two types of locking mechanisms: electronic (e.g. file access permissions) and mechanical (e.g. Lo, USPN 6097405). Both of these locks are well known in the art and selecting any of these locks would have been an obvious variation of each other and would not affect the invention functionality.

22. As per claim 49-50, the examiner consider the terms "disengaging" and "unlocking" to be synonyms directed to removal of the locking mechanism and points out that in there are inherently two types of locking mechanisms: electronic (e.g. file access permissions) and mechanical (e.g. Lo, USPN 6097405). Both of these locks are well known in the art and selecting any of these locks would have been an obvious variation of each other and would not affect the invention functionality.

23. Claims 1-2, 4-8, 11, 22-25 and 29-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Garney (USPN 6081850) in view of Guy (USPN 6529691).

In col. 6 line 52- col. 7 line 5 Garney teaches as follows:

"Referring now to FIG. 3, the structure of a typical feature card 301 is illustrated. Feature card 301 includes an interface 302 with which the feature card 301 may be removably electrically coupled to a computer system. Feature card 301 also includes a card memory area 303. Card memory area 303 includes a card information structure (CIS) 305. CIS 305 includes a CIS

identity code 306, link data 307 and a card unique identification 308. CIS identity code 306 and link data 307 are used to recognize the feature card 301. As will be explained below in greater detail, card unique identification field 308 contains a card identifier which is used by a device driver loader to locate the device driver for the card. The device driver provides all of the device driver functionality necessary to control each and every function of the feature card. The card unique identification field 308 contents must be different for every type of feature card in a system. However, if two feature cards in the system may use the same device driver, then they may have the same card unique identification field 308 contents. It is also possible for there to be more than one card identifier and device driver for a given card."

which reads on a device interface configured to communicate with a memory affixed to a device consumable installed in the device, the device controller programmed to receive an identification key from said memory through said printing device interface to identify said printing device consumable (the device is a computer system. Thus, it inherently includes a processor that uses a computer program enabling an identification key from the memory of the consumable device to reach the device's hardware components, e.g. RAM).

In col. 1 lines 37-45 and col. 4 lines 28-38 Garney discloses that the consumable devices are devices facilitating the device a particular functionality (operation). For example Garney discloses the consumable device to be "computer network interface card" (NIC) and an ordinary artisan would readily recognize that a computer system with a NIC that responds to the computer system makes the system operable to communicate over a network. Fig. 7-13 with the associated text teaches that a device driver loader loads an appropriate driver (a program routine that enables the device to communicate/use the consumable device that corresponds to the

identification obtained from the memory of the consumable device). It also teaches that if no driver is found for the consumable device no driver enabling communication with the consumable device is available. Furthermore, Garney discloses that the access to the appropriate driver is terminated upon the compatible consumable device removal.

Thus, it is clear that there is a locking mechanism (preventing access to a consumable device, which renders the device inoperable) and that the device controller is programmed to unlock the locking mechanism only if the identification key identifies a compatible device consumable (the processor reverses the process when using the consumable device identification key the appropriate driver is found and loaded, making the device operable).

24. Garney does not disclose that the device is a printing device and that the device consumable is a printing device consumable.

Guy discloses a printing device and a printing device consumable. Both: Garney's and Guy's systems are computing systems wherein a device receives and compares a consumable device identification (e.g. Guy, Fig. 2 and col. 2 line 12 – col. 3 line 13). Thus, the advantages of the systems of Garney and Guy could have been easily combinable with more than a reasonable expectations of success.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Garney's invention into the print device and print device consumable as taught by Guy given the benefit of dynamically configuring printing system resources.

The examiner also points out that combination Guy and Garney references does not render claims 29-30 obvious because Guy discloses a printing device consumable communicating with a printing device interface (e.g. Fig. 1), a printing device controller programmed to receive an identification key installed in said printing device (Fig. 1 and col. 2 lines 45-48), a locking mechanism for selectively rendering said printing device inoperable only if said identification key identifies a compatible printing device consumable (Guy, col. 3 lines 4-6). Although Guy does not explicitly disclose that the consumable device comprises memory, Garney discloses a consumable device comprising memory (Garney Fig. 3 and col. 6 lines 57-59). Both, invention (Guy's and Garney's) are directed towards a device retrieving an identification key from a consumable component placed within a device, wherein the identification key enables the device to enable the device to utilize the component. Thus, the advantages of the systems of Guy and Garney could have been easily combinable with more than a reasonable expectations of success. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include memory disclosed by Garney in the consumable device disclosed by Guy given the benefit of enabling the consumable device to store additional information (e.g. CIS identity code).

25. As per claims 49-50, the examiner consider the terms "disengaging" and "unlocking" to be synonyms directed to removal of the locking mechanism and points out that in there are inherently two types of locking mechanisms: electronic (e.g. file access

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permissions) and mechanical (e.g. Lo, USPN 6097405). Both of these locks are well known in the art and selecting any of these locks would have been an obvious variation of each other and would not affect the invention functionality.

26. The limitations of claim 4 are at least implicit, if not inherent. Printers are frequently powered down when moved and/or maintained which would trigger the printer to re-verify the identification key.

### ***Conclusion***

Claims 3,9,10,12-14 and 54-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
12/31/07

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